

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

_____)	
WALKER DIGITAL, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 1:10cv212 (JFA)
v.)	
)	
CAPITAL ONE SERVICES, LLC, et al.)	
)	
Defendants.)	
_____)	

DECLARATION OF JOSHUA HARTMAN VERIFYING BILL OF COSTS

I, Joshua Hartman, declare as follows:

1. I am a member in good standing of the Virginia State Bar and an associate with the law firm of Morrison & Foerster LLP, counsel of record for defendants Capital One Financial Corporation, Capital One Services, LLC, and Capital One Bank USA, N.A.

2. The following facts are within my personal knowledge and, if called and sworn as a witness, I would testify competently to them.

3. The attached Bill of Costs is correct, the charges reflected have been necessarily incurred in this case, and the services for which fees have been charged were actually and necessarily performed.

4. Attached as Exhibit A to the Bill of Costs are invoices showing the costs of hearing and depositions transcripts to be \$21,768.14. Capital One deems the transcribed depositions to have been reasonably necessary for preparation for trial at the time the depositions were taken. *See LeVay Corp. v. Dominion Federal Savings & Loan*, 830 F.2d 522, 528 (4th Cir. 1987). Pursuant to the Court's Taxation of Costs Guidelines, charges for rough disks, technology packages, and "interactive realtime" transcription have been excluded from the amount of costs stated in the Bill of Costs. For clarification, Exhibit A contains a list of the total costs incurred for each deposition.

5. Attached as Exhibit B to the Bill of Costs are proofs of service reflecting witness fees in the amount of \$80.25 and \$40.00 paid to the respective witnesses along with the service of subpoenas.

6. Attached as Exhibit C to the Bill of Costs are invoices reflecting \$379.40 in costs for copies of demonstratives presented to the Court and to counsel for Walker Digital, LLC (“Walker”) during the May 28, 2010 claim construction hearing.

7. Pursuant to Eastern District of Virginia Local Rule 7(E), counsel for Capital One met and conferred with Walker’s counsel on July 23, 2010 in a good-faith effort to narrow the area of disagreement. Walker informed Capital One that it has no objection to the costs for witness fees or hearing transcripts, that it objects to the costs for copies of demonstratives, and that it would continue to review the costs of deposition transcripts and inform Capital One on Monday, July 26, 2010, whether it objects to those costs.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd day of July, 2010 at Washington, District of Columbia.

/s/ Joshua Hartman

Joshua Hartman